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February 23, 2021

VIA ECF

Hon. Analisa Torres
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Alvarado v. 58 West LLC d/b/a Loi Estiatorio et al.*
1:19-cv-07694-AT

Dear Judge Torres:

This firm represents the Defendants in the above-referenced action. The Defendants write jointly with Plaintiff for three reasons. First, the parties write to provide a status update pursuant to Paragraph 16 of the Scheduling Order and Your Honor's January 4, 2021, Order. *See* ECF Doc. 25 & 52.

Second, pursuant to Paragraph I(C) of Your Honor's Individual Practices in Civil Cases, the parties respectfully request that their deadline to request a pre-motion conference in advance of moving for summary judgment be extended from Friday, February 26, until either (a) thirty (30) days after Judge Freeman issues an order denying Plaintiff's motion to extend the discovery deadline or (b) if Judge Freeman extends the discovery deadline, thirty (30) days after all discovery is closed.

Third, pursuant to Paragraph I(C) of Your Honor's Individual Practices, the parties request that the Case Management Conference currently scheduled for Tuesday, March 2, 2021, be adjourned to a time that is convenient for the Court after Judge Freeman decides Plaintiff's pending motion.

I. Status Update

Since Your Honor granted in part the parties' request for an extension of time to complete discovery, the parties have conducted additional paper discovery, along with nine depositions over the course of seven days. *See* ECF Doc. 52. On February 9, before discovery was scheduled to close on February 12, Plaintiff filed a Motion to Compel, which also seeks an extension of time to

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complete discovery. *See* ECF Doc. 58. Your Honor subsequently referred this case to Judge Freeman for general pretrial matters. *See* ECF Doc. 59. The Defendants then opposed Plaintiff's motion. *See* ECF Doc. 62. A decision on this motion is currently pending, along with Plaintiff's motion to amend. *See* ECF Doc. 39.

II. Extension of Time to File a Pre-Conference Letter for Summary Judgment & Adjournment of the Case Management Conference


Although the parties anticipate moving for summary judgment, the deposition transcripts for the majority of the depositions in the case have not been returned from the Court reporter at this time. For this reason, in addition to Plaintiff's pending motion, the parties require additional time to evaluate the evidence in the case and decide their next steps in the litigation before filing pre-conference letters. The parties respectfully request that the Court adjourn the Case Management Conference for the same reason.

Granting this extension and adjournment will not affect scheduled dates other than those indicated above.

Thank you for Your Honor's time and consideration.

Respectfully submitted,

CLIFTON BUDD & DeMARIA, LLP
Attorneys for the Defendants


By: 
Ian-Paul A. Poulos

CC: All Counsel of Record

GRANTED. The deadline to submit pre-motion letters requesting to move for summary judgment and the case management conference scheduled for March 2, 2021, are ADJOURNED *sine die*.

SO ORDERED.

Dated: February 24, 2021
New York, New York



ANALISA TORRES
United States District Judge